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*Additional counsel on signature block*

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Rebekah Massie; and Quintus Schulzke,

*Plaintiffs,*

v.

City of Surprise, et al.,

*Defendants.*

Case No: 2:24-cv-02276-ROS--DMF

**STIPULATION REGARDING  
PLAINTIFF SCHULZKE'S MOTION  
FOR PRELIMINARY INJUNCTION**

Plaintiff Quintus Schulzke and Defendant City of Surprise, through their counsel,  
hereby stipulate and agree to the following:

1. On September 3, 2024, Plaintiff Quintus Schulzke filed a Motion for Preliminary Injunction against Defendant City of Surprise [Dkt. 4] seeking a preliminary injunction against the enforcement of that portion of the City of Surprise Policies and Procedures Manual, Rule for the Public at Council Meetings, Section 2(e) which states as follows: "Oral communications during the City Council meeting may not be used to lodge charges or complaints against any employee of the City or members of the body, regardless

1 of whether such person is identified in the presentation by name or by any other reference  
2 that tends to identify him/her. Any such charges or complaints should be submitted during  
3 normal business hours to the City Manager for appropriate action.” (referred to herein as,  
4 the “Policy”).

5 2. On September 17, 2024, the City of Surprise City Council unanimously voted  
6 to repeal the Policy.

7 3. In light of the September 17, 2024, vote and resulting repeal, and based on  
8 the actions the City has taken as outlined in Section 4 below, Plaintiff Schulzke and  
9 Defendant City of Surprise stipulate that Plaintiff Schulzke hereby withdraws his motion  
10 for preliminary injunction as moot, without prejudice.

11 4. Defendant City of Surprise has voluntarily completed the following:  
12 (A) removed the Policy from the City of Surprise Policies & Procedures Manual;  
13 (B) removed the Policy from the Council Meeting Public Comment Form; and  
14 (C) removed the language “Citizens wishing to express personal views about individuals  
15 or groups of individuals may do so in writing” from the Council Meeting Public Comment  
16 Form.

17 5. This Parties agree this Stipulation does not affect any claims or defenses  
18 associated with the pending Complaint.

19 A proposed form of Order effecting the terms of this stipulation is attached hereto  
20 as Exhibit A.

1 Dated: September 25, 2024

2 Respectfully submitted,

3 s/ Conor T. Fitzpatrick

4 Conor T. Fitzpatrick\*

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19 By: s/ James M. Jellison

James M. Jellison, Esq. (012763)

20 *Attorney for Defendants City of Surprise, Skip*  
21 *Hall and Steven Shernicoff*

**CERTIFICATE OF SERVICE**

I certify that a true and exact copy of the foregoing document has been served upon the counsel for the parties in interest by operation of the Court's electronic case filing system.

s/ Valerie Hall